

Local Discussions Related to Disproportionate Minority Contact

**Iowa Department of Human Rights
Division of Criminal and Juvenile Justice Planning (CJJP)
Report to Woodbury County Officials**

March 2013

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Section I - Background

The Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning (CJJP) provides state oversight for Iowa's administration of the federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). A key requirement of the JJDP Act relates to Disproportionate Minority Contact (DMC) of youth in Iowa's juvenile justice system. Minority youth are overrepresented, in Iowa and nationally, at a variety of juvenile justice system decision-making points. CJJP, its Juvenile Justice Advisory Council (JJAC), and the State DMC Subcommittee are offering specific technical assistance to reduce DMC in Woodbury County. CJJP, directly or through contract providers, has provided similar technical assistance to Black Hawk, Johnson, Polk, and Woodbury Counties for a number of years.

CJJP carries out research, policy analysis, program development and data analysis activities to assist policy makers, criminal and juvenile justice system agencies and others to identify issues of concern and to improve the operation and effectiveness of the justice and juvenile justice systems. In recent years CJJP has initiated activity specific to the school discipline process as a result of recommendations from a 2009 study committee, the Governor's Youth Race and Detention Task Force.

Section II - Report Composition

A number of persons were interviewed in the preparation of this report (see Attachment A). Local interviewees were asked about their perceptions of issues and activities related to DMC, and potential avenues for technical assistance by CJJP. This report is a summary of those discussions and an identification of a number of major efforts. Within the various major efforts are identified issues/activities, relevant data, challenges, and CJJP recommendations.

CJJP was afforded every courtesy as interviews were being scheduled and conducted and community officials and citizens willingly gave of their time for interviews. All persons were open, forthcoming, and genuinely interested regarding how to influence DMC. Their assistance with the interviews and commitment to DMC is noteworthy and appreciated.

Local Groups

Throughout the interview process a variety of local groups were identified that have involvement or activities related directly to DMC. The below groups are not a comprehensive list of relevant local DMC related groups, nor does this report seek to explain the various activities and goals of the listed groups. The groups are listed here as potential discussion entities related to the recommendations or other information provided in this report, or were referenced in local discussions for their specific DMC-related contributions in the community. Other local groups can and will be added to the distribution list for this report as requested locally.

DMC Committee	JDAI Committee
Breakthrough Series Collaboration	Siouxland Human Investment Partnership
Community Partnership for Protecting Children	Community Initiative for Native Americans & Families
Woodbury County Criminal Justice Council	Sioux City Community School District

Census Data

Most of the data provided in this report are aggregated by race/ethnicity. As a reference, CJJP is providing youth census data for Woodbury County in Figure 1.

Figure 1
Census Data - Woodbury County Youth - Ages 10-17

	Total Youth Population	Caucasian	African-American	Hispanic	Asian	Native American	Total Minority Population
Number	11,765	8,078	564	2,476	399	248	3,687
Percentage*		69%	5%	21%	3%	2%	31%

Source: 2011 National Criminal Justice Reference Service Data

Section III – Juvenile Detention

Identified Issue/Activity

The Governor's Youth Race and Detention Task Force (YRDTF) met from 2007 to 2009 to study the overrepresentation of minority youth in juvenile detention and the overall high numbers of youth in such settings for misdemeanor-level offenses. The YRDTF issued recommendations through a [series of reports](#) which is available on CJJP's website. The activities of the YRDTF prompted and increased interest in juvenile detention, and the work of the group contributed to state-level reductions in detention holds. One of the products of the YRDTF was the development of the Iowa Juvenile Detention Screening Tool (DST). A volume of national research reflects the utilization of a risk-based DST as a cornerstone of detention reform. Detention screening is one of a small number of local policy activities that have produced the most consistent and sustained reductions in minority overrepresentation. Woodbury County has been utilizing the Iowa DST at detention intake since 2009.

Just as importantly, there is significant legal precedent relating to the importance of due process provisions for youth deprived of constitutional freedoms through placement in locked juvenile detention settings (see Attachment B). Iowa's Juvenile Justice Advisory Council, its Task Force for Young Women, its DMC Subcommittee, and a number of other Governor-appointed Commissions within the Iowa Department of Human Rights (Human Rights Board, Status of African Americans, Status of Latino Affairs, Native Americans, Asian and Pacific Islanders, Persons with Disabilities, and Deaf Services) have submitted written positions supporting utilization of a single, state-level detention screening tool to ensure due process protections for detained youth.

Relevant Data

Below are tables with information regarding Woodbury County juvenile detention facility holds and detention rates for youth ages 10-17. The data are taken from the DMC matrices and Iowa's 2012 [Juvenile Justice and Delinquency Prevention Act Three Year Plan](#). The matrices are an instrument utilized by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) to measure and compare compliance with the DMC Requirement of the JJDP Act. An overall description of the matrices is provided on pages 75 through 78 of the plan. The most recently completed matrix covers calendar year 2012, and select pages have been included here as Attachment C. It should be noted that matrices typically include arrest information from the Iowa Department of Public Safety's Uniform Crime Report (UCR). No UCR data are provided in the matrix because the most recently available data are from 2010. It is anticipated that 2011 arrest data will be available in the upcoming weeks. Such data will be provided to Woodbury County officials when they are available.

Note: Figure 2 below provides data on actual detention holds. Figure 3 provides detention rates which are calculated by determining the percentage of detention holds as compared against juvenile court referrals/complaints. Thus, even though the number of detention holds may decrease (as is reflected in Figure 2), it is possible for rates to increase if there are also significant decreases in complaints/referrals (as is reflected in Figure 3).

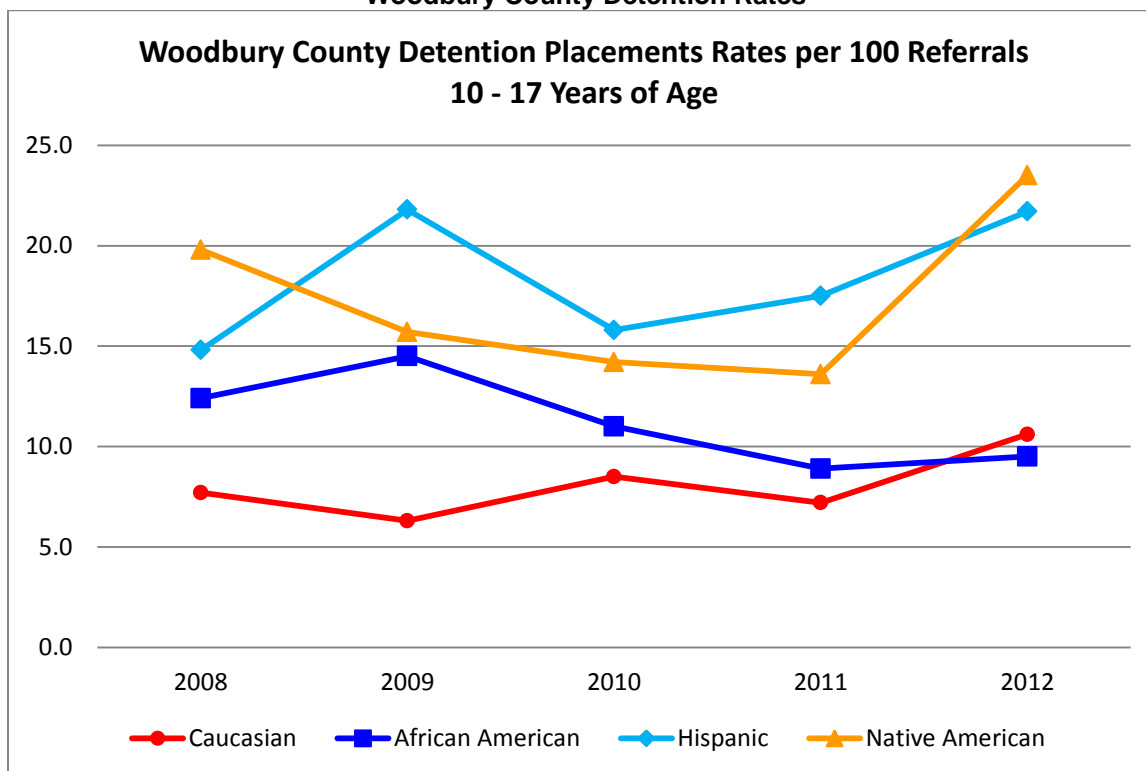
Figure 2
Woodbury County Detention Numbers

Woodbury County						Percent Change	5 - Year
Detentions	2008	2009	2010	2011	2012	(2008 - 2012)	Average
Caucasian	68	57	76	57	76	11.8%	66.8
Percent Change	--	-16.2%	33.3%	-25.0%	33.3%		
African American	25	28	22	17	15	-40.0%	21.4
Percent Change	--	12.0%	-21.4%	-22.7%	-11.8%		
Hispanic	58	64	49	51	55	-5.2%	55.4
Percent Change	--	10.3%	-23.4%	4.1%	7.8%		
Native American	44	31	22	21	31	-29.5%	29.8
Percent Change	--	-29.5%	-29.0%	-4.5%	47.6%		

Source: CJJP – JDW

- Overall detention numbers are small.
- Detention numbers for all racial/ethnic groups, except Caucasians, were lower in 2012 than in 2008.

Figure 3
Woodbury County Detention Rates



Source: CJJP – JDW

- The average detention rates for the various racial ethnic groups are as follows: Hispanics 18.3, Native Americans 17.4, African-Americans 11.3, and Caucasians 8.1.
- The average relative rates (RR) for the three minority groups are as follows: Hispanics 2.3, Native Americans 2.1, and African-Americans 1.4. RR are calculated by dividing the detention rate for a given minority racial/ethnic group by the rate for Caucasian youth (see below formula).

Formula – Relative Rate Calculation

18.3 (detention rate for Hispanics) divided by 8.1 (detention rate for Caucasians)=2.3 RR Hispanics

Challenges

Ongoing Oversight - In regards to Juvenile Detention Reform Alternative Initiative (JDAI) related activities, the DMC Committee and the JDAI Steering Committee are no longer regularly meeting. A key local staff position is no longer supported with state funding. Woodbury County is a local JDAI site which is national juvenile detention reform initiative.

- The JDAI Committee provided noteworthy support and oversight related to detention reform.
- Local DMC Committees have been engaged in a variety of activities, but, most specifically, an annual local conference that has highlighted DMC in the delinquency and school systems.

The DMC and JDAI Committees included key membership from the local juvenile justice and minority communities. Some local officials note concerns that, without ongoing oversight and engagement of Juvenile Court Services (JCS) and the broader community, recent reductions in detention holds (particularly for African-American youth) may not be sustained.

CJJP Recommendations

Recommendation I: Focus local discussions on recognition of existing groups that can provide accountability and oversight to carry forward and monitor detention reform-related issues. CJJP is willing to participate in such discussions. CJJP has provided quarterly detention data sets to the Woodbury County site, and requests local designation of recipients of future data sets.

Recommendation II: Local oversight efforts should provide for an annual update of the JDAI work plan which is viewed as essential to sustaining detention reform efforts.

Recommendation III: Written policies should be developed to help sustain the progress already made. These new policies should support the local process and allow for continued evolution of practices intended to reduce DMC (e.g., utilization of the Detention Screening Tool). It is critical that local DMC efforts do not solely depend on existing leadership.

Section IV – School Discipline

Identified Issue/Activity

Iowa Safe and Supportive Schools (IS³) – West and North High Schools in the Sioux City School Community District (SCCSD) are two of twenty Iowa high schools chosen to participate in a federally-supported effort to measure and improve conditions for learning. The schools have been studying issues such as bullying, school safety, attendance and student engagement with support through the U.S. Department of Education’s Safe and Supportive Schools grant. Thus, the SCCSD has completed a significant amount of work related to its school climate, including the student discipline process.

Cooperative Agreement – In early 2011, the SCCSD Superintendent, Chief of Police, 3rd Judicial District Chief Judge, 3rd Judicial District Chief Juvenile Court Officer, County Attorney, DHS Service Area Manager, and Chair of the County Board of Supervisors signed a cooperative agreement

which outlined a process related to arrest and discipline in the SCCSD. This agreement was believed to be the first of its kind in the State of Iowa, and was facilitated with the assistance of CJJP. Whenever possible, the agreement sought, to maintain youth who commit non-violent or low-level offenses in the school setting.

Facilitated Discussions School –to-Court - In the fall of 2011 local officials participated in a discussion facilitated by State Public Policy Group (SPPG). SPPG was piloting its [School-to-Court : Local Strategies Instrument](#). Discussions using that instrument emphasized drawing upon local constituents for strategies to reduce school incidents, arrests, and referrals to juvenile court for all youth, but specifically for minority youth. The audience that participated in the discussion included approximately 30 persons from a variety of audiences (SCCSD staff, Juvenile Court Services, and law enforcement). The goal was to influence policy and procedure that could be contributing to minority overrepresentation in the school discipline process. CJJP will continue to make this technical assistance available to Woodbury County.

Assistance from Model Jurisdiction - The Sioux City community has demonstrated its commitment to examining school discipline and its interaction with the juvenile court system by inviting Juvenile Court Judge Steven Teske, from Clayton County Georgia, to speak to the community. Judge Teske visited with Sioux City Officials in the summer of 2012. Judge Teske spearheaded an effort in his home state involving members of the juvenile justice system, law enforcement, school system, and social service groups to draft a cooperative agreement aimed at limiting the overall number of school referrals to juvenile court and reducing overrepresentation of minority youth in the school discipline process and juvenile justice systems. Sioux City Officials signed a similar agreement in early 2011.

SCCSD Commitment to the Provision of School Discipline Data – Over the past few years the SCCSD has had numerous discussions with CJJP regarding school discipline data (as recently as November 2012). Officials clearly recognized the importance of such data in their school processes and in local community efforts as well. It is anticipated that within the next year the SCCSD will utilize/access its own district data system to provide discipline-related data. It will be aggregated by race/ethnicity as a part of the community effort to affect DMC. CJJP is willing to participate in discussions regarding the development of such reports. Similar discussions are presently underway with the metropolitan school districts in Black Hawk, Johnson, and Polk Counties.

Challenges

Family Engagement and Teacher Training – A number of people interviewed expressed the desire to improve the amount and quality of engagement, especially with Latino and Native American families. Particular emphasis was placed on the need for more bi-lingual professionals in the schools. Additionally, a common theme for improvement was to provide annual training and/or resources to teaching staff regarding classroom management.

CJJP Recommendations

Recommendation I: The SCCSD should take advantage of the technical assistance offered by CJJP related to policy and procedure. The Iowa Department of Education has indicated its willingness to participate in these local discussions as well.

Recommendation II: SCCSD should further efforts to utilize its data system to develop information and formal report formats specific to school discipline. Such data must be a key component in community discussions pertaining to the school discipline process.

Section V - Overall Local Leadership and Committee Engagement

Identified Issue/Activity

There has been a long-standing local interest in DMC-related activities in Woodbury County. Those interests speak directly to leadership/engagement, which are key ingredients in reducing DMC. Listed below are a number of examples:

- As is noted earlier, to develop this report CJJP staff conducted interviews with juvenile justice system and community officials in Woodbury, Black Hawk, Johnson and Polk Counties. Despite the many local challenges associated with DMC, there was a level of optimism in Woodbury County not seen in the other sites.
- The Sioux City Police Department is actively making staff available to serve on a variety of local juvenile justice and/or DMC-related committees. It is also making efforts to reach out to citizens via community policing and a museum in the department.
- The local DMC Committee has been effective in furthering policy and program efforts relating to arrest and student discipline.
- The local office of the Department of Human Services (DHS) has efforts underway related to DMC including Community Partnerships for Protecting Children.
 - For ten years, DHS has had a Native American unit, with a more recent addition of staff to specifically serve Latino families.
 - DHS also has a productive partnership with Briar Cliff College that facilitates recruitment of students into social work jobs.
- There are local, private providers doing strong DMC-related work (e.g. Four Directions, The Sanford Center, SHIP).
- The DMC planning groups listed in Section II have been major contributors to local DMC-related successes. The leadership and diverse membership of those groups are directly related to the groups' successes. In recent years, CJJP and its subcontractors have worked most closely with the local DMC and JDAI Committees.
- The Woodbury County Criminal Justice Council is performing a noteworthy variety of work at the local level to affect the juvenile and adult offender systems.

Challenges

Consistency of Purpose - The existence of multiple groups having similar goals can occasionally make it difficult to allow progress or to establish agreed-upon avenues to reduce overrepresentation. Because each group has its own unique charge, it can be difficult to get all groups moving together toward a single goal. In many communities, cross membership on multiple DMC/Juvenile Justice groups can create fatigue regarding the extent to which true collaboration and progress is taking place.

Diversity of Leadership/Community Engagement – A number of community members expressed concern over the lack of leadership representation from minority groups on committees as well as in professional roles in organizations that have a significant impact on minority groups. At the same time, some committee organizers and agencies have been frustrated in their attempts to recruit members/employees of color and employees who are bi-lingual. These comments generally fell within the broader context of the importance of being welcoming and engaging with those new to the community.

Minority Persons in Leadership Positions – A number of local officials vocalized concerns regarding the overall small numbers of minority persons in leadership positions in the juvenile justice system and associated major public institutions.

Risk of Expanded Focus - The leaders in this community have broad areas of expertise and interest. Experience suggests that discussions regarding DMC inevitably expand from the issue of

minority overrepresentation in the juvenile justice population to larger societal issues affecting minorities. It is fairly well documented that minorities are disproportionately affected by unemployment and poverty, both of which are risk factors that can be linked to increased rates of criminal and delinquent behavior. These are certainly legitimate concerns and important issues to be addressed in a comprehensive approach to minority overrepresentation. However, many of these long-term issues will tend to divert attention away from DMC initiatives and bog down efforts to address some critical DMC-related problems that can be ameliorated in the short-term.

CJJP Recommendations

Recommendation I: Woodbury County should avail itself of its broad array of local leadership as well as members of the diverse community at-large that may not be accessed as frequently.

Recommendation II: Woodbury County should focus its DMC-related activities on a small and attainable number of goals.

Section VI – Overall Arrests and JCS Referral

Identified Issue/Activity

Discussions with a number of Woodbury County juvenile justice system officials noted trends or concerns regarding offending behaviors or patterns for minority youth, particularly African-American youth. In response CJJP made a broad query of the Justice Data Warehouse regarding the types of local allegations for which youth were being referred to JCS.

Relevant Data

CJJP maintains a Justice Data Warehouse (JDW) which contains information from the Iowa Court Information System (ICIS) regarding major juvenile justice decision-making points. A more thorough discussion of the JDW is provided on page 77 of the [Three Year Plan](#). Allegation data for Woodbury County are included as Attachment D – Top 20 Allegations, and are shown in Figure 4.¹

Figure 4

Top 5 Allegations for Caucasian, African-American, Hispanic, and Native American Youth

Caucasian

	2008	2009	2010	2011	2012	Totals
THEFT 5TH DEGREE - 1978 (SMMS)	210	187	231	214	163	1005
ASSAULT (SMMS)	123	142	178	154	84	681
LOCAL ORDINANCES	105	121	106	83	98	513
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	60	66	76	63	39	304
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	66	56	54	36	50	262
Totals	564	572	645	550	434	2765

Source: JDW

Continued on next page

¹ The data in Attachment D are taken from the JDW and are comprised of individual allegations which resulted in a referral to JCS. The tables include data regarding the top 20 allegations for Caucasian, African-American, Hispanic, and Native American youth. Data sets are provided for calendar years 2008, 2009, 2010, 2011, and 2012.

African-American

	2008	2009	2010	2011	2012	Totals
ASSAULT (SMMS)	63	43	64	53	25	248
THEFT 5TH DEGREE - 1978 (SMMS)	22	45	44	41	27	179
LOCAL ORDINANCES	23	37	23	23	32	138
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	32	22	36	17	25	132
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	15	9	14	13	16	67
Totals	155	156	181	147	125	764

Hispanic

	2008	2009	2010	2011	2012	Totals
THEFT 5TH DEGREE - 1978 (SMMS)	73	69	56	81	55	334
LOCAL ORDINANCES	96	44	52	40	36	268
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	61	26	45	19	22	173
ASSAULT (SMMS)	46	26	46	24	23	165
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	40	17	23	14	13	107
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	22	14	22	29	20	107
Totals	338	196	244	207	169	1154

Native American

	2008	2009	2010	2011	2012	Totals
THEFT 5TH DEGREE - 1978 (SMMS)	25	27	49	49	38	188
LOCAL ORDINANCES	52	41	25	21	20	159
ASSAULT (SMMS)	33	18	18	14	19	102
CONSUMPTION / INTOXICATION - 1978 (SMMS)	21	18	21	20	10	90
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	19	15	16	11	4	65
Totals	150	119	129	115	91	604

Source: JDW

Allegations Remarks - Figure 4:

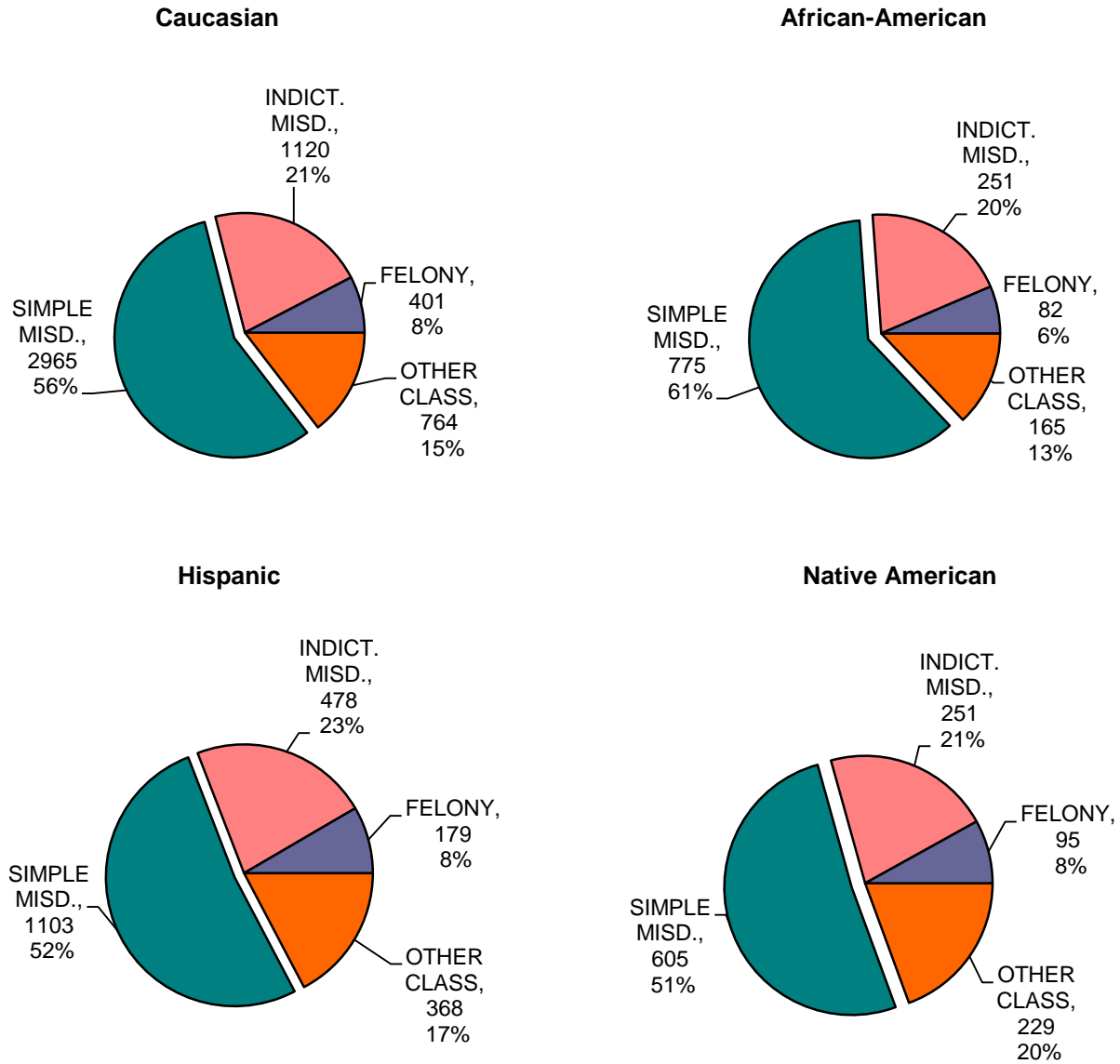
- The top five lists for the various racial/ethnic groups are, largely, similar.
 - The top five lists for each racial/ethnic groups includes the allegations of theft 5th, local ordinances, disorderly conduct (fighting or violent behavior), and simple assault.
 - The top five list for Native American youth includes the allegation of consumption/intoxication and the list for Hispanic youth includes the allegation of possession of a controlled substance. Those allegations are not on the top five list for the other racial/ethnic groups.

- 5th degree theft is the top arresting allegation for three of the four racial/ethnic groups.
- Local ordinances were included in the top five lists for all racial ethnic groups. Similar analysis was performed for arrest/referral data in Black Hawk, Johnson and Polk Counties. Those jurisdictions had dramatically lower numbers of allegations for such offenses. None of those other jurisdictions included local ordinance allegations in their top five lists.
 - Minority youth account for 52% (n=565) of the local ordinance allegations (n=1078) included in the top five lists.

Allegations - Overall Remarks (see data from Attachment D - Top 20 Allegations):

- Combined allegations declined for all racial groups during the report years. Reductions for the racial/ethnic groups are as follows: Caucasians, from 2008 (n=1064) to 2012 (n=930); Hispanics, from 2008 (n=564) to 2012 (n=342); Native Americans, from 2008 (n=321) to 2012 (n=182); and African-Americans, from 2008 (n=268) to 2012 (n=220).
 - Allegations for Native American and Hispanic youth decreased at dramatic levels of 43% and 39% respectively. Allegation reductions for African-American and Caucasian and youth were lower, but significant, at 18% and 13% percent respectively.
- For classification purposes CJJP includes disorderly conduct and interference with official acts as public order allegations.
 - Minority youth account for 56% (n=516) of the public order allegations (n=929) included in the 20 list as reflected in Attachment D.

Figure 5
JCS Allegations by Offense Level
Time Period 1/1/2010-12/31/2012



Source: JDW

"Other Class" includes scheduled violations (e.g. certain alcohol, traffic, and court offenses)

Remarks - Figure 5:

- The percentages comprised by the various racial/ethnic groups within the offense levels are, largely, similar for the combined report period.
- Felonies comprise 8% of the allegations referred to JCS for the combined report period.
- Indictable misdemeanors comprise 21% of the allegations referred to JCS for the combined report period.
- Simple misdemeanors comprise 55% of the allegations referred to JCS for the combined report period.

- Simple misdemeanors, as a percentage of overall allegations, varied the most among the different racial/ethnic groups and are as follows: African-Americans, 61% of allegations for that racial/ethnic group; Caucasians, 56%; Hispanics, 52%; and Native Americans, 51%.
- Other offenses comprise 16% of the allegations referred to JCS for the combined report period.

Challenges

Public Order and Local Ordinance Allegations - The highest levels of overrepresentation for the combined population of minority youth are for public order and local ordinance allegations. Minority youth comprise 56% and 52%, respectively, of such allegations referred to JCS during the report period. During this time, those offenses comprised 25% (n=2007) of the top 20 allegations referred to JCS for all racial/ethnic groups. These offenses are those that offer the greatest opportunity for the judicious exercise of discretion by justice system representatives.

Police Stops - A number of local audiences in Black Hawk, Johnson, Polk, and Woodbury Counties express concern at the high rates and frequencies of police stops, arrests, and searches of African-American youth. CJJP conducted additional research regarding the noted concerns which is summarized in Attachment E.

CJJP Recommendation

Recommendation: Local officials should initiate discussions regarding arrest and JCS referral for low level offenses. Rather than creating a new group, an existing group should be considered for such discussions. CJJP would make itself available for technical assistance in such discussions.

Section VII Other Juvenile Justice System Activities

Identified Issue/Activity

Juvenile Justice Reform Project - JCS actively sought to be a part of a state-level grant effort to improve its programming, Iowa's Juvenile Justice Reform Project (JJRP), which implements both the Standardized Program Evaluation Protocol and the cost-benefit Results First model created by the Washington State Institute for Public Policy (WSIPP). Funding was awarded in October of 2012 to support three Judicial Districts, including the Third, which includes Woodbury County. CJJP will partner with JCS officials and juvenile justice-related youth serving programs to implement JJRP.

Challenges

Audience Engagement – Woodbury County's participation in the JJRP effort and its work with various best practice programming will affect local youth serving programs and audiences outside of JCS. It is in the interest of the various audiences to be aware and informed of the work taking place.

Overrepresentation at Various Juvenile Justice Decision Points - Despite a number of noteworthy DMC related successes, overrepresentation still exists at various juvenile delinquency decision-making stages.

- Overall DMC matrices rates are considerably lower than national averages, but RR's remain elevated for African-American youth at the decision-making phases of arrest and diversion; and for Hispanic youth at detention and petition for calendar year 2011 (pages 102 through 109 of the [Three Year Plan](#)).

CJJP Recommendation

Recommendation: JCS should engage relevant local planning groups/audiences regarding implementation of the JJRP effort and various best practices-related activities. A number of local groups expressed interest in learning more about programming found to be effective, in particular, for minority youth.

Section VIII Relationships of Major Institutions to Minority Community

Identified Issue Activity - Challenges

Minority Community Trust in Local Institutions - Some local officials noted concerns with the ability for families of color, particularly African-American parents, to approach and work with the schools and law enforcement on issues faced by their youth. It is clear that local institutions are offering formal and informal opportunities for access by minority families. Research reflects minority distrust of institutions as a major factor in their willingness to access or function within institutions (summarized in Attachment F).

New Arrivals - A number of individuals noted new arrivals to their community from Illinois, Minnesota, and other contiguous states. It was suggested that such youth often come from much larger urban settings and have difficulty adjusting to life in Sioux City. This is noted as a universal phenomenon in the communities in which CJJP interviews are being conducted.

CJJP's local discussions, by design, have focus on the involvement of minority youth in the juvenile justice system. There has been no discussion regarding the potential risks associated with Caucasian families relocating to various Iowa communities. There is an issue associated with stereotyping new arrivals and assuming that minority families will, by virtue of their race/ethnicity, present problems to the community. A concern is that references are routinely made regarding families relocating "from Chicago", and that such references are a proxy for race (African-American families), which may inappropriately connote increased issues associated with the potential of crime, gang involvement, issues in school, etc.

CJJP Recommendations

Recommendation I: Local institutions such as JCS, the judiciary, law enforcement, schools, etc. should engage minority families in ongoing and meaningful discussions regarding the policies affecting their youth.

Recommendation II: Local institutions must continually re-examine the extent to which their mission is consistent with a welcoming environment for newly-arrived minority families.

Attachment A Woodbury County Officials Interviewed

<p>Elected Officials</p> <p>George Boykin, Woodbury County BOS Patrick Jennings, Woodbury County Attny.</p> <p>Defense Attorney</p> <p>Joe Kertels, Chief Public Defender Marchelle Denker, Juvenile Public Defender</p> <p>Human Services (Department of)</p> <p>Tom Bouska, Service Area Manager Pat Anderson, Social Work Administrator Shane Frisch, Social Work Supervisor Leticia Quintanilla, Social Worker 2</p> <p>Judicial</p> <p><i>Administration</i></p> <p>Leesa McNeil, District Court Administrator</p> <p><i>Judges</i></p> <p>Jeffrey Neary, District Court Judge Todd Hensley, District Associate Judge</p> <p><i>Juvenile Court Services</i></p> <p>Gary Niles, Chief Juvenile Court Officer Stephan Pearson, Juvenile Court Officer 3</p>	<p>Law Enforcement</p> <p>Doug Young, Sioux City Chief of Police Lisa Claeys, Captain</p> <p>Private Providers</p> <p><i>Sanford Center</i></p> <p>Fitz Grant, Program Director <i>Siouxland Human Investment Partnership</i> Jim France, Executive Director (Retired) David Gleiser, Project Director <i>Four Directions Center</i> Frank LeMere, Director</p> <p>School Officials</p> <p><i>*Sioux City Community School District</i> Paul Gausman, Ph.D., Superintendent <i>Area Education Agency</i> Flora Lee, Learning Supports Consultant</p> <p> *In a meeting 11/5/12 CJJP staff met w/ most of the Sioux City School District's Secondary Administrators. A list of participants is available upon request.</p>
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Attachment B

Juvenile Justice-Related Legal Precedents

There is a growing body of legal precedents providing youth with protections consistent with and, in some occasions, beyond those provided to adults due to the reduced culpability of youth. Further, under the doctrine of *parens patriae*, juvenile courts are obligated to ensure that the best interests of youth are being represented and met. These precedents are exemplified in the following cases:

In re Gault 387 U.S. 1 (1967) - The Court ruled that in hearings potentially resulting in commitment to an institution, juveniles have the right to notice and counsel, to question witnesses, and to protection against self-incrimination.

In re Winship, 397 U.S. 358 (1970) - The Court held that, under the Due Process Clause of the 14th Amendment, juveniles have the constitutional right to be adjudicated under the standard of proof of beyond a reasonable doubt.

D.B., v. Tewksbury, District Court of Oregon (1983) - The Court found the practice of jailing juveniles to be a *per se* constitutional violation of the 14th Amendment.

Hendrickson v. Griggs (U.S. District Court, Northern District Iowa 1987) - The federal Juvenile Justice and Delinquency Prevention Act is more than a funding statute. It creates an enforceable private right of action. States assume duties when they accept the federal funds, and when these duties are breached, a juvenile may seek a remedy pursuant to 42 U.S.C.A. Section 1983.

Thompson v. Oklahoma, 487 U.S. 815 (1988) - The differences between juvenile and adult offenders indicate that less culpability should attach to a crime committed by a juvenile than to a comparable crime committed by an adult.

Miller v. Alabama 567 U.S. ____ (2012) - The Court, expanding on 25 years of jurisprudence, held that the 8th amendment prohibited the mandatory imprisonment of juvenile homicide offenders to life without parole. The Court had previously prohibited capital punishment for minors who committed murder in *Roper v. Simmons* 543 U.S. 551 (2005) and had banned life without parole for non-homicide offenders in *Graham v. Florida* 130 s.ct.2011.

Attachment C - 2012 DMC Matrix

Data Entry Section

AREA REPORTED

State: Iowa

County: Woodbury

Reporting Period :

through

January 2012
December 2012

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17)	11,765	8,078	564	2,476	399	0	248	0	3,687
2. Juvenile Arrests									
3. Refer to Juvenile Court	1,307	714	158	254	19	0	132	30	593
4. Cases Diverted	1,294	741	156	240	21	0	110	26	553
5. Cases Involving Secure Detention	196	76	15	55	4	0	31	15	120
6. Cases Petitioned (Charge Filed)	220	114	33	48	0	0	21	4	106
7. Cases Resulting in Delinquent Findings	44	17	5	15	2	0	4	1	27
8. Cases resulting in Probation Placement	36	19	1	12	1	0	3	0	17
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	10	3	0	4	0	0	2	1	7
10. Cases Transferred to Adult Court	30	16	2	9	0	0	3	0	14

Meets 1% rule for group to be assessed?

Yes

Yes

Yes

Yes

No

Yes

No

release date: March, 2011

5. DATA SOURCES & NOTES

Item 1 Population: NCRJS Census Update CY: 2011

Item 3 Referral: # of JCS Complaints/Referrals - JDW CY: 2012

Item 5 Detention: # of Juvenile Detention Holds - CJJP CY: 2012

Item 7 Delinquent: # of Orders for Adjudication - JDW CY: 2012

Item 9 Confinement: # of Placements to State Training School - STS CY: 2012

Item 2 Arrests: 2011 UCR DATA NOT AVAILABLE CY: NA

Item 4 Diversions: # of Diversions - JDW CY: 2012

Item 6 Petitioned: # of Petitions Filed - JDW CY: 2012

Item 8 Probations: # of Orders for Probation - JDW CY: 2012

Item 10 Transferred: # of Orders for Waiver to Adult Court - JDW CY: 2012

Attachment C (cont.)

1. AREA REPORTED		FOCAL GROUP: Black or African-American			
State: Iowa		Reporting Period :		01/01/2012-12/31/2012	
County: Woodbury		Reference Group:		White	

Attachment C (cont.)

1. AREA REPORTED	FOCAL GROUP: Hispanic or Latino		
State: Iowa	Reporting Period :	01/01/2012-12/31/2012	
County: Woodbury		Reference Group:	White
	</		

Attachment C (cont.)

1. AREA REPORTED	FOCAL GROUP: Native American				
State: Iowa	Reporting Period :		01/01/2012-12/31/2012		
County: Woodbury		Reference Group:	White		

Attachment D TOP 20 JCS Allegations

Caucasian

	2008	2009	2010	2011	2012	TOTAL
THEFT 5TH DEGREE - 1978 (SMMS)	210	187	231	214	163	1,005
ASSAULT (SMMS)	123	142	178	154	84	681
LOCAL ORDINANCES	105	121	106	83	98	513
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	60	66	76	63	39	304
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	66	56	54	36	50	262
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	49	39	40	42	43	213
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	40	30	25	33	41	169
ASSAULT CAUSING BODILY INJURY-1978 (SRMS)	23	25	31	33	26	138
TRESPASS - < 200 (SMMS)	29	22	33	23	23	130
BURGLARY 3RD DEGREE - UNOCCUPIED MOTOR VEHICLE (AGMS)	9	20	55	18	10	112
THEFT 4TH DEGREE - 1978 (SRMS)	19	26	17	18	17	97
CONSUMPTION / INTOXICATION - 1978 (SMMS)	26	25	17	17	11	96
BURGLARY 3RD DEGREE (FELD)	23	27	19	12	14	95
DISORDERLY CONDUCT - LOUD AND RAUCOUS NOISE (SMMS)	28	22	15	15	15	95
JCS - POSSESS/PURCH ALCOHOL BY PERSON UNDER 18			7	28	39	74
CRIMINAL MISCHIEF 4TH DEGREE (SRMS)	11	35	13			59
JCS - POSSESS/PURCH ALCOHOL BY PERSON <18 YOA - 1ST OFFENSE	12	39	5			56
THEFT 2ND DEGREE - 1978 (FELD)	8	12	10	7	18	55
CRIMINAL MISCHIEF 4TH DEGREE			11	22	20	53
INTERFERENCE W/OFFICIAL ACTS (SMMS)	14	14	11	6	8	53
ALL OTHER ALLEGATIONS	209	232	181	157	211	990
TOTAL	1,064	1,140	1,135	981	930	5,250

Source: JDW

Attachment D (cont.)

African American

	2008	2009	2010	2011	2012	TOTAL
ASSAULT (SMMS)	63	43	64	53	25	248
THEFT 5TH DEGREE - 1978 (SMMS)	22	45	44	41	27	179
LOCAL ORDINANCES	23	37	23	23	32	138
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	32	22	36	17	25	132
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	15	9	14	13	16	67
ASSAULT CAUSING BODILY INJURY-1978 (SRMS)	14	7	14	11	19	65
DISORDERLY CONDUCT - LOUD AND RAUCOUS NOISE (SMMS)	10	11	5	9	11	46
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	9	7	5	4	6	31
TRESPASS - < 200 (SMMS)	10	3	7	7	2	29
THEFT 2ND DEGREE - 1978 (FELD)	4	1	8	5	1	19
THEFT 4TH DEGREE - 1978 (SRMS)	3	6	1	2	6	18
CRIMINAL MISCHIEF 4TH DEGREE (SRMS)	11	3	2			16
BURGLARY 3RD DEGREE (FELD)	4	4	1	4	1	14
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	3	3	2	1	5	14
CONSUMPTION / INTOXICATION - 1978 (SMMS)	3	1		5	3	12
CRIMINAL MISCHIEF 3RD DEGREE - 1978 (AGMS)	2	2	4	3	1	12
THEFT 3RD DEGREE - 1978 (AGMS)	3	2		6	1	12
ASSAULT ON PEACE OFFICERS & OTHERS (SRMS)	1	3	4	3		11
CRIMINAL MISCHIEF 2ND DEGREE - 1978 (FELD)	4	3	3	1		11
HARASSMENT BY COMMUNICATION (SMMS)	6	2	2	1		11
JUVENILE INTERSTATE COMPACTS -			1	3	7	11
ALL OTHER ALLEGATIONS	26	46	25	48	32	177
TOTAL	268	260	265	260	220	1,273

Source: JDW

Attachment D (cont.)

Hispanic

	2008	2009	2010	2011	2012	TOTAL
THEFT 5TH DEGREE - 1978 (SMMS)	73	69	56	81	55	334
LOCAL ORDINANCES	96	44	52	40	36	268
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	61	26	45	19	22	173
ASSAULT (SMMS)	46	26	46	24	23	165
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	40	17	23	14	13	107
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	22	14	22	29	20	107
TRESPASS - < 200 (SMMS)	21	12	13	17	16	79
CONSUMPTION / INTOXICATION - 1978 (SMMS)	3	9	12	17	10	51
ASSAULT CAUSING BODILY INJURY-1978 (SRMS)	17	10	7	7	8	49
BURGLARY 3RD DEGREE - UNOCCUPIED MOTOR VEHICLE (AGMS)	5	7	19	13	4	48
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	7	5	5	12	18	47
THEFT 4TH DEGREE - 1978 (SRMS)	7	12	6	8	12	45
JUVENILE INTERSTATE COMPACTS -	4	5	21	8	6	44
DISORDERLY CONDUCT - LOUD AND RAUCOUS NOISE (SMMS)	8	9	13	5	8	43
THEFT 2ND DEGREE - 1978 (FELD)	9	7	3	4	9	32
INTERFERENCE W/OFFICIAL ACTS (SMMS)	8	8	2	6	4	28
BURGLARY 3RD DEGREE (FELD)	6	9	3	3	6	27
CRIMINAL MISCHIEF 2ND DEGREE - 1978 (FELD)	11	7	3	4		25
CRIMINAL MISCHIEF 4TH DEGREE (SRMS)	18	1	2			21
CRIMINAL MISCHIEF 3RD DEGREE - 1978 (AGMS)	7	6	2	3	2	20
JCS - POSSESS/PURCH ALCOHOL BY PERSON <18 YOA - 1ST OFFENSE	6	12	2			20
ALL OTHER ALLEGATIONS	89	87	61	87	70	395
TOTAL	564	402	418	401	342	2,128

Source: JDW

Attachment D (cont.)

Native American

	2008	2009	2010	2011	2012	TOTAL
THEFT 5TH DEGREE - 1978 (SMMS)	25	27	49	49	38	188
LOCAL ORDINANCES	52	41	25	21	20	159
ASSAULT (SMMS)	33	18	18	14	19	102
CONSUMPTION / INTOXICATION - 1978 (SMMS)	21	18	21	20	10	90
DISORDERLY CONDUCT - FIGHTING OR VIOLENT BEHAVIOR (SMMS)	19	15	16	11	4	65
CRIMINAL MISCHIEF 5TH DEGREE (SMMS)	11	12	8	8	3	42
BURGLARY 3RD DEGREE - UNOCCUPIED MOTOR VEHICLE (AGMS)	16	4	5	3	12	40
CRIMINAL MISCHIEF 2ND DEGREE - 1978 (FELD)	20	3	3	5	1	32
ASSAULT CAUSING BODILY INJURY-1978 (SRMS)	5	10	3	8	4	30
JUVENILE INTERSTATE COMPACTS -	7	6	1	10	5	29
TRESPASS - < 200 (SMMS)	9	4	3	8	4	28
BURGLARY 3RD DEGREE (FELD)	3	10	2	5	2	22
POSSESSION OF A CONTROLLED SUBSTANCE (SRMS)	8	3	3	5	3	22
POSSESSION OF DRUG PARAPHERNALIA (SMMS)	5	4	2	2	8	21
CRIMINAL MISCHIEF 3RD DEGREE - 1978 (AGMS)	2	11	1	4	2	20
DISORDERLY CONDUCT - LOUD AND RAUCOUS NOISE (SMMS)	7	5	3	3	2	20
ASSAULT ON PEACE OFFICERS & OTHERS (SRMS)	6	5	4	1	2	18
THEFT 4TH DEGREE - 1978 (SRMS)	1	5	3	2	7	18
CRIMINAL MISCHIEF 4TH DEGREE (SRMS)	8	3	1			12
INTERFERENCE W/OFFICIAL ACTS (SMMS)	1	5	4	1	1	12
ALL OTHER ALLEGATIONS	62	55	22	36	25	210
TOTAL	321	264	197	216	182	1,180

Source: JDW

Attachment E

Research Regarding Police Stops

As noted in Section VI CJJP conducted a variety of research related to police stops. That research is summarized below.

- *“Stops occur in Black and Latino neighborhoods, and even after adjustments for other factors including crime rates, social conditions and allocation of police resources in those neighborhoods, race is the main factor determining New York Police Department stops.”²*
- *Relative to stopped whites, stopped blacks are 127% more likely and stopped Hispanics are 43% more likely to be frisked.”³*
- *“Even after relevant legal and extralegal factors are controlled, reports from young minority males indicate they are at the highest risk for citations, searches, arrests, and use of force during traffic stops. Yet, these drivers are not more likely to report carrying contraband, which, it has been suggested, is one of officers’ primary motivations for conducting disproportionate stops and searches of minority citizens.”⁴*

² [Center for Constitutional Rights](#) - Report to United States District Court, Southern District of New York, Jeffrey Fagan, 2010.

³ [A Study of Racially Disparate Outcomes in the Los Angeles Police Department](#), Yale Law School, Townsend, 2008.

⁴ [Examining the Influence of Drivers' Characteristics During Traffic Stops with Police: Results from a National Survey](#), University of Cincinnati, 2001.

Attachment F

Research Regarding Minority Distrust of Institutions

Observations are noted below from 1993 research by Michael Leiber, Ph.D. The research has been included in this report (despite the fact that it was released nearly 20 years ago) because it is one of the few studies that included interviews with Iowa juvenile justice system officials and delinquent youth. Some of the information CJJP staff heard in discussions in recent weeks with Woodbury County officials is remarkably similar to the findings in the Leiber study.

Leiber study comments regarding the juvenile justice system are below.

“Minorities, especially black families are believed to be more distrustful of the system than whites and their families. Black parents are believed to be less willing to hold youth accountable for their actions and/or encourage respect for authority. Parents are also seen as often failing to attend scheduled meetings with decision makers which may result in the for further court involvement. At the same time, minority youth are not seen as less likely to admit or cooperate. Interestingly, youth argue that juvenile court decision makers may act too quickly in wanting to remove them from what is perceived as an inadequate home environment.”⁵

Leiber study comments regarding schools are below.

“Both adults and youth suggested there may be problems in the school system. A lack of minority staff and willingness on school officials to suspend and place youth in behavioral disorder classes were cited as areas of concern. An increasing reliance on calling the police and on the juvenile court to solve problems was also raised.”⁵

Leiber study perceptions regarding the views of youth toward JCS staff.

“All the youth in each of the counties viewed probation officers in a positive light. Most indicated they had good relations with their officer.”⁵

Information regarding research relating to minority trust in child welfare arena is provided below.

- Child Welfare – *“The study found that (African-American) residents were aware of intense agency involvement in their neighborhood and identified profound effects on social relationships including interference with parental authority, damage to children’s ability to form social relationships, and distrust among neighbors. The study also discovered a tension between respondents’ identification of adverse consequences of concentrated state supervision for family and community relationships and neighborhood reliance on agency involvement for needed financial support.”⁶*

⁵ [The Disproportionate Overrepresentation of Minority Youth in Secure Facilities: A survey of Decision Makers and Delinquents](#), University of Northern Iowa, Leiber, 1993.

⁶ [The Racial Geography of Child Welfare: Toward a New Research Paradigm](#), Northwestern University Law School, Roberts, 2008.